

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

SUSAN J. MELTON,)
)
)
Plaintiff,)
)
)
v.) Case No. 05-3509-CV-SW-NKL
)
)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
)
)
Defendant.)

ORDER

Pending before the Court is Susan J. Melton's ("Melton") Motion for Attorney's Fees Under the Equal Access to Justice Act [Doc. # 14]. For the reasons set forth below, the Court grants Melton's Motion.

In an Order dated June 20, 2006, the Court reversed the decision of the ALJ and remanded for a new determination of Melton's Residual Functional Capacity ("RFC") that takes into account all of Melton's severe impairments, including her migraine headaches, if they are found to be vocationally relevant. If Melton's migraine headaches are not vocationally relevant, the Court's June 20, 2006 Order instructed the ALJ to explain why. In addition, the June 20, 2006 Order required the ALJ to provide a narrative that explains how Melton's medical records or other evidence support the RFC selected by the ALJ. The June 20, 2006 Order further required that, if the ALJ again concluded that Melton is able to return to her past employment as a sander, then the ALJ must identify the function by function requirements of a sander to verify that Melton's credible

limitations will not prevent her from doing the work of a sander; and, if the ALJ, at step five of the evaluation process, concludes that Melton is not disabled, then the ALJ must not identify jobs in the economy which have requirements that are inconsistent with Melton's RFC.

Melton subsequently filed her pending Motion wherein she requested attorney's fees. Pursuant to 28 U.S.C. § 2412, the Court may award reasonable attorney's fees to the prevailing party in any civil action brought against any official of the United States acting in his or her official capacity. The parties agree that Melton's attorney is entitled to \$3,568.50 in fees. After consideration, the Court finds that the fees agreed to by the parties are reasonable.

Accordingly, it is hereby

ORDERED that Melton's Motion for Attorney's Fees [Doc. # 14] is GRANTED. Melton's attorney is awarded \$3,568.50 in attorneys' fees, which shall be made payable to The Law Offices of Daniel A. Parmele, P.C., attorney for Melton.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: August 29, 2006
Jefferson City, Missouri